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MEMORANDUM CIRCULAR NO. _____

**AMENDING NAPOLCOM MEMORANDUM CIRCULAR NO. 2001-009
ENTITLED: "STRENGTHENING THE ADMINISTRATIVE
DISCIPLINARY FUNCTIONS OF THE COMMISSION BY AUTHORIZING
ITS REGIONAL DIRECTORS AND ACTING REGIONAL DIRECTORS
TO EXERCISE SUMMARY DISMISSAL POWERS OVER MEMBERS OF
THE PHILIPPINE NATIONAL POLICE IN THEIR RESPECTIVE
REGIONS AND PRESCRIBING THE RULES TO GOVERN THE SAME"**

WHEREAS, pursuant to Section 53 of RA No. 8551 the Commission is granted summary dismissal powers over any respondent-member of the PNP, in any of the following cases:

- a. when the charge is serious and the evidence of guilt is strong;
- b. when the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges;
- c. when the respondent is guilty of a serious offense involving conduct unbecoming of a police officer; and
- d. when the respondent is on absence without official leave for a continuous period of thirty (30) days or more;

WHEREAS, in the interest of justice the Commission issued Memorandum Circular No. 2001-009 authorizing its Regional Directors and acting Regional Directors to exercise summary dismissal powers over members of the PNP with the end in view of facilitating a prompt and speedy resolution of cases filed before it;

WHEREAS, after a punctilious study on such grant, the Commission is inclined to withdraw such authority and instead to limit the same to the conduct of pre-charge investigation and formal hearing;

NOW, THEREFORE, the Commission in the exercise of its legislative fiat has resolved to amend as it hereby amends Napolcom Memorandum Circular No. 2001-009 entitled "Strengthening The Administrative Disciplinary Functions Of The Commission By Authorizing Its Regional Directors and Acting Regional Directors To Exercise Summary Dismissal Powers Over Members Of The Philippine National Police In Their Respective Regions And Prescribing The Rules To Govern The Same" and instead authorizing its RDs and ARDs to conduct pre-charge investigation and formal hearing of complaints filed against uniformed members of the PNP within their respective regions in accordance with the following rules and regulations:

1. A complaint against any uniformed member of the PNP can be filed with the Regional Investigation Unit (RIU) or Napolcom

Provincial Officer who shall, within three (3) days from receipt of the complaint, conduct a pre-charge investigation and submit its or his report of investigation to the Chief of the Technical Division.


In the conduct of pre-charge investigation, Napolcom Memorandum Circular No. 99-014 which dwells on the matter shall be strictly observed;

2. If the offense charged and investigated is within the summary dismissal jurisdiction of the Commission and there exists probable cause, the Chief of the Technical Division shall within three (3) days initiate the filing of a formal complaint against subject police officer with the Napolcom Regional Director. Forthwith, the Regional Director shall designate a Summary Hearing Office or Ad Hoc Committee to conduct the formal hearing. However, if there is no probable cause, the Chief of the Technical Division shall prepare a resolution recommending the dismissal of the case to the Regional Director or when appropriate refer it to the other disciplinary authorities. Provided however, that if the complaint was dismissed for lack of probable cause, the Commission may, motu proprio reopen the case in the interest of justice.

For this purpose, the office of the Vice-Chairman and Executive Officer shall be furnished by the Regional Directors with a copy of the Resolution dismissing a case.

3. To ensure adherence to the requirements of administrative due process, the designated Summary Hearing Officer or Ad Hoc Committee, as the case may be, shall in the conduct of the formal investigation comply with Napolcom Memorandum Circular No. 98-014 on the subject, "Rules and Regulations Governing the Conduct of Summary Dismissal Proceedings Involving Members of the Philippine National Police Before the National Police Commission as Summary Dismissal Authority.
4. The designated Summary Hearing Officer or Ad Hoc Committee shall, within five (5) days from conclusion of the investigation, submit his/its report of investigation containing his/its findings and recommendation to the Napolcom Regional Director who shall within two (2) days from receipt thereof transmit the same together with the entire records of the case to the Commission for rendition of decision.

APPROVED, this 24th day of June in the Year Two Thousand and Four at Makati City, Metro Manila, Philippines.


JOSE D. LINA, JR
Chairperson

Linda L. Malenab-Hornilla
LINDA L. MALENAB-HORNILLA
Commissioner *6/2/04*
OIC, OVC/EO

Celia V. Sanidad-Leones
CELIA V. SANIDAD-LEONES
Commissioner *6-24-04*

Miguel G. Coronel
MIGUEL G. CORONEL
Commissioner *6/2/04*

HERMOGENES E. EBDANE, JR.
Commissioner

Attested by:

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Chief, Secretariat